

### REMARKS

Claims 1-29 are pending in this application. Reconsideration is requested based on the foregoing amendment and the following remarks.

#### **Response to Arguments:**

The Applicants appreciate the consideration given to their arguments. The Applicants, however, are disappointed that their arguments were not found to be persuasive. The Office Action asserts in section 2, at page 2, that:

Examiner respectfully disagrees because Applicant's argument has no merit since according to the modern technology of processor speed, what exactly is the timing limitation / threshold in terms of interval that constitutes "current" security status has not been disclosed in the instant specification.

This is submitted to be incorrect. Processor speed has nothing to do with it. The situations in Black are collections of similar or identical events. These events would not have *all* taken place at the same time. Some events, rather, would have happened in the past, and so the situations in Black which are reported to an administrator or user will be at *least* as old as the oldest event which is included in the situation, no matter how fast the processor runs. In particular, as described in paragraph [0044]:

In short, as the terms are used in this document, a group is a collection of similar or identical events. A situation is a group wherein the severity level exceeds a certain predetermined threshold. Situations are reported to an administrator or user as summaries of security attacks.

Since the situations in Black include events that took place at different times, some of the events included in the situations had to have happened in the *past*, and thus the situations will no longer be representative of the "current security status" of the system. The situations in Black, rather, will no longer be current after, as in Black, the events have been abstracted into a set data-type identifying the source, target, and category of the event, the sets with common elements have been grouped together, and those set-groups having a severity exceeding a threshold have been designated "situations," as described in paragraph [0010].

The Office Action asserts in section 3, at page 3, that:

(b) Examiner notes "displayed the situations to an administrator", as taught by Black, must use an external display so that somehow in *any way*, it can be presented to the administrator (i.e., data in computer memory is not tangible to a

human) and as such Black does teach an external display to display the security status of the appliance directly on an outside of the appliance.

This is also submitted to be incorrect. Even though, in Black, those set-groups having a severity exceeding a threshold are presented to a user or administrator, there is no description in Black of presenting them "*directly* on an outside of the appliance," as recited in claim 1, with emphasis added. In fact, since the situations in Black are collections of similar or identical events, as discussed above, and are thus not even *associated* with any particular appliance, there would be no point for Black to present the situations "directly on an outside of the appliance," as recited in claim 1.

The Office Action asserts further in section 3, at page 3, that:

(c) Black teaches "the internal event log identified as a format of (SRC, TARGET, CLASS) is considered as an internal display" - This is also consistent with the specification of the instant application specification that states the internal display may be a simple mechanism such as the setting of a flag (SPEC: Para [0024] last two sentences) and as such Black does teach an internal display to display the security status of the appliance within the inside of the appliance.

This is also submitted to be incorrect. Neither the source, the target, nor the class can be considered to be a "security status," as discussed above. In Black, rather, events are abstracted into a set data-type identifying the source, target, and category of the event, as described in paragraph [0010]. By the time the events have been abstracted, it will be too late for them to represent a *status* of security. Further reconsideration is thus requested.

#### **Claim Rejections - 35 U.S.C. § 112:**

Claims 1, 13 and 25 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The rejection is traversed. The Office Action asserts in section 4, at pages 3 and 4, that:

Claims 1, 13 and 25 are indefinite because the claim language "current security status" is not clear regarding what exactly constitutes the timing limitation / threshold in terms of interval that is qualified as "current" security status (and what is NOT qualified as a current security status) - this has not been disclosed in the instant specification in order to particularly distinct the invention subject matter over the prior-arts.

As provided in M.P.E.P. § 2173.02:

Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

- (A) The content of the particular application disclosure;
- (B) The teachings of the prior art; and
- (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

With respect to M.P.E.P. § 2173.02(A), the content of the particular application disclosure, one object of the invention is to allow the detection and display of the security status quickly and without further aids. In particular, as described in paragraph [0006] of the subject application:

One aspect of the invention is based on the object of specifying a system and a method which allow the detection and display of the security status of an appliance and/or of a complex which is formed from two or more appliances, in situ, quickly and without further aids.

Thus, to be "current," the detection and display of the security status may be done quickly and without further aids.

The security status information, moreover, can be detected quickly, and provides an overview of the overall status at any time. In particular, as described in paragraph [0013] of the subject application:

The security status information can be detected quickly, and it provides an overview of the overall status at any time.

Thus, to be "current," the security status information can be detected quickly, and provides an overview of the overall status at any time.

The subject application, moreover, refers specifically to a "current" security status. In particular, as described in paragraph [0032]:

The illustrated embodiment has, in particular, the advantage that a user is provided with an overview of the current security status at all levels of a system, for example an automation system. Important control actions can be carried out or prevented on this basis.

Thus, in the subject application, an overview of the current security status is provided to a user.

Finally, in the subject application, current values are displayed. In particular, as described in paragraph [0033]:

The diagnosis is carried out by a configured interchange of the signals for the security display via automation user programs, such as function plans, with the process of tracing back in this case being carried out via the display of the

initiating path (for logic links) on the dynamic function plans (that is to say function plans which display current values).

It is submitted, therefore, that when the language of claims 1, 13, and 25 is analyzed, not in a vacuum, but in light of the content of the particular application disclosure as required by M.P.E.P. § 2173.02(A), claims 1, 13 and 25 are definite within the meaning of 35 U.S.C. § 112, second paragraph.

With respect to M.P.E.P. § 2173.02 (C), the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made can be gleaned from an ordinary dictionary definition of "current." The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2004 by Houghton Mifflin Company, for example, defined "current" as a:

Belonging to the present time: current events; current leaders.  
Being in progress now: current negotiations.  
Passing from one to another; circulating: current bills and coins.  
Prevalent, especially at the present time: current fashions. See synonyms at prevailing.  
Running; flowing.

The situations in Black, on the other hand, have been summarized, which takes time. Since it takes time to summarize the situations in Black, at least one of the situations had to have happened in the *past*, and no longer belongs to the *present* time, like *current* events. Nor are the situations in Black in progress now, or prevalent at the present time. In particular, as described in paragraph [0035]:

The techniques of the present invention allow information about potential security violations to be summarized and presented to a user in a concise and easy to understand format.

Since least one of the situations in Black had to have happened in the *past*, and no longer belongs to the present time, like current events, the situations in Black would not have been interpreted as "current" by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

The Computer Encyclopedia. © 1981-2007 Computer Language Company Inc., similarly, defined "current" as:

The latest version or model.



The situations in Black, on the other hand, have been summarized, which takes time. Since it takes time to summarize the situations in Black, the situations are no longer the *latest* version or model. Since the situations in Black had to have happened in the *past*, and are no longer the latest version or model, the situations in Black would not have been interpreted as "current" by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

The Thesaurus current on Answers.com. Roget's II: The New Thesaurus, Third Edition Copyright © 1995 by Houghton Mifflin Company, finally, defined "current" as:

Characteristic of recent times or informed of what is current: au courant, contemporary, mod, modern, up-to-date, up-to-the-minute.  
In existence now: contemporary, existent, existing, new, now, present, present-day.  
Most generally existing or encountered at a given time: predominant, prevailing, prevalent, regnant, rife, widespread.

The situations in Black, on the other hand, have been summarized, which takes time. Since it takes time to summarize the situations in Black, the situations are no longer in existence *now*. Since the situations in Black had to have happened in the *past*, and are no longer in existence now, the situations in Black would not have been interpreted as "current" by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

Finally, as provided further in M.P.E.P. § 2173.02, a claim is only indefinite when it remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction. As provided therein:

The requirement to 'distinctly' claim means that the claim must have a meaning discernible to one of ordinary skill in the art when construed according to correct principles...Only when a claim remains insolubly ambiguous without a discernible meaning after all reasonable attempts at construction must a court declare it indefinite. *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d 1081, 1089 (Fed. Cir. 2004).

Since, as discussed above, the meaning of "current security status" would have been discernible to one of ordinary skill in the art, claims 1, 13 and 25 are submitted to be definite within the meaning of 35 U.S.C. § 112, second paragraph.

Finally, one example of what is NOT qualified as a current security status would be the "situations" of the Black reference itself. Withdrawal of the rejection is earnestly solicited.

**Claim Rejections - 35 U.S.C. § 102:**

Claims 1-4, 6-9, 11-16, 18-21, 23-27, and 29 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2003/0041264 to Black et al. (hereinafter "Black"). The rejection is traversed. Reconsideration is earnestly solicited.

The third clause of claim 1 recites:

An external display to display the current security status of the appliance directly on an outside of the appliance.

Black neither teaches, discloses, nor suggests "an external display to display the current security status of the appliance directly on an outside of the appliance," as recited in claim 1. In Black, rather, those set-groups having a severity exceeding a threshold are presented to a *user* or *administrator*, not "directly on an outside of the appliance," as recited in claim 1. In particular, as described at paragraph [0010]:

The present invention provides a method, computer program product, and apparatus for presenting data about security-related events that puts the data into a concise form. Events are abstracted into a set data-type identifying the source, target, and category of the event. Sets with common elements are grouped together, and those set-groups having a severity exceeding a threshold are designated "situations." The situations are then presented to a user or administrator.

Since, in Black, only those set-groups having a severity exceeding a threshold are presented to a user or administrator, Black has no "external display to display the current security status of the appliance directly on an outside of the appliance," as recited in claim 1.

Moreover, in Black, *groups* that exceed their respective pre-determined thresholds are displayed as situations to a user or administrator, not the current security status, contrary to the assertion in section 4, at page 4 of the Office Action. In particular, as described at paragraph [0050]:

Finally, groups that exceed their respective pre-determined thresholds are displayed as situations to a user or administrator (step 910).

Since, in Black, groups that exceed their respective pre-determined thresholds are displayed as situations to a user or administrator, Black has no "external display to display the current security status of the appliance directly on an outside of the appliance," as recited in claim 1.

Black, finally, is directed toward the *concise* display of information relating to a series of

security violations. In particular, as described at paragraph [0002]:

The present invention is directed toward presenting network security and intrusion information to a user. More specifically, the present invention provides a method, computer program product, and apparatus for concise display of information relating to a series of security violations.

Since Black is directed toward the concise display of information relating to a series of security violations, Black has no "external display to display the current security status of the appliance directly on an outside of the appliance," as recited in claim 1.

The fourth clause of claim 1 recites:

An internal display to display the current security status of the appliance within an inside of the appliance.

Black neither teaches, discloses, nor suggests "an internal display to display the current security status of the appliance within an inside of the appliance," as recited in claim 1. Black, rather, displays groups that exceed their respective pre-determined thresholds to a *user* or *administrator*, as discussed above, not "within an inside of the appliance," as recited in claim 1.

Black, finally, mentions no internal display at all, let alone an event log displayed internally, contrary to the assertion in the last full paragraph at page 3 of the Office Action. Black, rather, reports events aggregated into groups to a *user*. In particular, as recited at page 4, in claim 1:

Logging events by storing event attributes as an event set, wherein each event set includes a source attribute, a target attribute and an event category attribute; classifying events as groups by aggregating events with at least one attribute within the event set as an identical value; and calculating severity levels for the groups; reporting a group from the groups to a user as a situation, if a severity level of the group exceeds a threshold value.

Since Black reports events aggregated into groups to a user, Black has no "internal display to display the current security status of the appliance within an inside of the appliance," as recited in claim 1. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2, 3, 4, 6-9, 11, and 12 depend from claim 1 and add further distinguishing elements. Claims 2, 3, 4, 6-9, 11, and 12 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2, 3, 4, 6-9, 11, and 12 is also earnestly solicited.

Claims 13-16, 18-21, 23, and 24:

The third clause of claim 13 recites:

Displaying the current security status of the appliance on an outside of the appliance.

Black neither teaches, discloses, nor suggests "displaying the current security status of the appliance on an outside of the appliance," as discussed above with respect to the rejection of claim 1.

The fourth clause of claim 13 recites:

Displaying the current security status of the appliance on an inside of the appliance.

Black neither teaches, discloses, nor suggests "displaying the current security status of the appliance on an inside of the appliance," as discussed above with respect to the rejection of claim 1. Claim 13 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 13 is earnestly solicited.

Claims 14, 15, 16, 18-21, 23, and 24 depend from claim 13 and add further distinguishing elements. Claims 14, 15, 16, 18-21, 23, and 24 are thus also submitted to be allowable. Withdrawal of the rejection of claims 14, 15, 16, 18-21, 23, and 24 is also earnestly solicited.

Claims 25, 26, 27, and 29:

The third clause of claim 25 recites:

An external display to display the current security status of the appliance directly on the an outside of the appliance.

Black neither teaches, discloses, nor suggests "an external display to display the current security status of the appliance directly on the an outside of the appliance," as discussed above with respect to the rejection of claim 1.

The fourth clause of claim 25 recites:

An internal display to display the current security status within the an inside of the appliance.



Black neither teaches, discloses, nor suggests "an internal display to display the current security status within the an inside of the appliance," as discussed above with respect to the rejection of claim 1. Claim 25 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 25 is earnestly solicited.

Claims 26, 27 and 29 depend from claim 25 and add further distinguishing elements. Claims 26, 27 and 29 are thus also submitted to be allowable. Withdrawal of the rejection of claims 26, 27 and 29 is also earnestly solicited.

**Claim Rejections - 35 U.S.C. § 103:**

Claims 5, 17, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Black in view of U.S. Patent No. 6,910,135 to Grainger (hereinafter "Grainger"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 5, 17, and 28 depend from claims 1, 13, and 25, respectively and add additional distinguishing elements. Black neither teaches, discloses, nor suggests "an external display to display the current security status of the appliance directly on an outside of the appliance" or "an internal display to display the current security status of the appliance within an inside of the appliance," as discussed above with respect to the rejection of claim 1. Grainger does not either, and thus cannot make up for the deficiencies of Black with respect to claims 5, 17, or 28. Claims 5, 17, and 28 are thus also submitted to be allowable. Withdrawal of the rejection of claims 5, 17, and 28 is earnestly solicited.

Claims 10 and 22:

Claims 10 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Black in view of U.S. Patent Application Publication No. 2004/0049693 to Douglas (hereinafter "Douglas"). The rejection is traversed. Reconsideration is earnestly solicited.

Claims 10 and 22 depend from claims 1 and 13, respectively and add additional distinguishing elements. Black neither teaches, discloses, nor suggests "an external display to display the current security status of the appliance directly on an outside of the appliance" or "an internal display to display the current security status of the appliance within an inside of the appliance," as discussed above with respect to the rejection of claim 1. Douglas does not either, and thus cannot make up for the deficiencies of Black with respect to claims 10 and 22. Claims

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10 and 22 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10 and 22 is earnestly solicited.

**Conclusion:**

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-29 are allowable over the cited references. Allowance of all claims 1-29 and of this entire application is therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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